

REMARKS / ARGUMENTS

Claims 1-32 are presently pending in this application. Claims 31-32 have been newly added.

New claim 31 is directed to a method for locating a monitored unit on an ad hoc network. The method comprises creating an identifier for a monitored unit, establishing a location rule for the monitored unit, receiving location data from the monitored unit, determining whether the monitored unit is in violation of the location rule, and in the event the monitored unit is in violation of the location rule, reporting the location of the monitored unit to at least one other monitored unit on the ad hoc network. Support for new claim 31 can be found on page 15 of the present specification.

New claim 32 is directed to a system for locating a member of a group. Each member of the group comprises a monitored unit equipped with location means. The system comprises the monitored unit and a server. Both the monitored unit and the server are accessible via a wireless network. The server is adapted to receive location data from a first monitored unit, establish a location rule for the first monitored unit, determine whether the first monitored unit is in violation of the location rule established for the first monitored unit, and in the event the first monitored unit is in violation of the location rule established for the first monitored unit, report the location of the first monitored unit to the first monitored unit. Support for new claim 32 can be found on page 18 of the present specification.

It is respectfully submitted that claims 31 and 32 do not represent any new matter and that each of the claims (1-32) contains limitations that are not disclosed in any of the prior art cited by the Examiner. As such, it is believed that these claims are in condition for allowance and notification thereof is respectfully requested.

In the Office Action, the Examiner has rejected claims 25-28 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,243,039 B1, issued June 5, 2001 to B.D. Elliot (herein, Elliot). The Examiner has further rejected claims 29-30 under 35 U.S.C. § 103 (a) as being unpatentable over Elliot in view of U.S. Patent No. 5,557,259, issued September 17, 1996 to Musa (herein "Musa"). Claims 1-8 and 11-24 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Elliot, in view of U.S. Patent No. 6,100,806, issued August 8, 2000 to

Gaukel. Claims 9-10 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Elliot in view of Gaukel and further in view of Musa.

35 U.S.C. § 102 rejection to claims 25-28

The Examiner has rejected claims 25-28 under 35 U.S.C. § 102 (b) as being anticipated by Elliot. Applicant respectfully traverses this rejection.

Claims 25-28 are directed to a method for locating wireless devices on an ad hoc network. The claims specify creating an identifier for a wireless device, establishing a location rule for the wireless device, receiving location data from the wireless device, determining whether the wireless device is in violation of the location rule, and in the event the wireless device is in violation of the location rule, reporting the location of the wireless device to at least one other wireless device on the ad hoc network. The Examiner states that the network disclosed in Elliot is a peer-to-peer network and that a peer-to-peer network corresponds with the ad hoc network of the present invention. Applicant first traverses the Examiner's assertion that the network architecture disclosed in Elliot is a peer-to-peer network.

As is known to those of ordinary skill in the art, a peer-to-peer network in a communications model implies that the parties included in the network have similar capabilities and can initiate a communications session with one another. Applicant respectfully submits that the devices of the network disclosed in Elliot do not have similar capabilities. The system disclosed in Elliot involves a GPS device which transmits data to a central receiver-transmitter. The "central receiver transmitter" is defined as a base transceiving station that covers a cell represented by a child locator coverage area (Elliot, col. 5, lines 5-12). The central receiver transmitter cannot initiate communication with the GPS device. Instead, the central receiver-transmitter submits data to a centralized control system. The central control system receives the transmission from the device and translates the GPS coordinates to a commonly recognized location reference (Elliot, col. 5, lines 52-54). The central control system cannot initiate communication with the GPS device or the central receiver transmitter. As such, Elliot does not disclose communication between network devices having similar capabilities, as would be required in a peer-to-peer network.

Even if Elliot did disclose a peer-to-peer network, however, Applicant traverses the Examiner's suggestion that the term "ad hoc network" recited in the claims, simply implies a

“peer-to-peer network”. As is generally known in the art, the term “ad hoc network” is used to refer to a network in which some of the network devices are part of the network only for the duration of a communications session or, in the case of mobile or portable devices, while in some close proximity to the rest of the network. Thus, a peer-to-peer network is not necessarily one that is also ad hoc. Furthermore, Applicant points out that the network architecture disclosed in Elliot is not ad hoc, but pre-defined and independent of location or activity status of a network device.

Applicant also points out that Elliot fails to disclose “in the event that the wireless device is in violation of the location rule reporting the location of the wireless device to at least one other wireless device on the ad hoc network”, as recited in the present claims. In asserting that Elliot satisfies this element of the claims, the Examiner cites to col.3, lines 23-63 of Elliot and suggests that the central receiver transmitter disclosed in Elliot corresponds with the “other wireless device” recited in the present claims. Applicant notes, however, that Elliot fails to disclose that the centralized control system reports to one other wireless device, or even to the “central receiver transmitter”, as suggested by the Examiner. Elliot simply provides that once the centralized computer system determines that the device’s movement exceeds a specified threshold, the centralized computer system notifies a parent or other specialized receiver, by automatic page, telephone call or other email. Applicant also notes that the location of the GPS device in Elliot is reported to the central receiver transmitter only upon depression of an emergency button on the device, an automatic transmission requested by a parent, or a transmission triggered by the internal timer in the device (Elliot, col. 5, lines 35-39). Elliot does not disclose reporting the location of the wireless device to the central transceiver “in the event that the wireless device is in violation of the location rule”, as specified in the claims.

Applicant respectfully submits therefore, that Elliot does not anticipate the presently claimed invention. As such, Applicant respectfully requests the Examiner to withdraw this rejection.

35 U.S.C. § 103 rejection to claims 29-30

The Examiner has also rejected claims 29-30 under 35 U.S.C. § 103(a) as being unpatentable over Elliot in view of Musa. Applicant respectfully submits that the Examiner’s

reliance on Elliot as a primary reference is misplaced for the reasons set forth below.

Applicant notes that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP §2143.03, 8th Ed. (Rev. 2, 2004). Further, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP §2143.01, 8th Ed. (Rev. 2, 2004). It is also well established that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP §2143.01, 8th Ed. (Rev. 2, 2004). If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP §2143.01, 8th Ed. (Rev. 2, 2004).

Claims 29-30 are directed to a method for locating wireless devices on an ad hoc network. As discussed above, Elliot fails to disclose an ad hoc network and fails to teach “reporting the location of the wireless device to at least one other wireless device on the ad hoc network” as recited in the present claims. The Examiner suggests that by combining the teachings of Elliot with Musa, one would arrive at the presently claimed invention. Applicant notes, however, that there is no teaching or incentive to modify the method disclosed in Elliot to arrive at the present invention. Unlike the present invention, Elliot is primarily directed to providing a method for allowing a person, other than an individual wearing or carrying a location device, to trigger an automatic location transmission on demand (Elliot, col. 1, lines 40-49). As such, Elliot provides methods for accessing current and historical location data of a wireless device via the World Wide Web, a Voice Response Unit, or a call center. Elliot thereby avoids the necessity of relying on a particular device to access location information of another wireless device. If Elliot were modified such that location information pertaining to one wireless device is reported to another wireless device, as presently claimed, one would achieve exactly what Elliot seeks to avoid. Elliot therefore teaches against the methodology of the claimed invention.

As such, Applicant submits that there is no teaching or incentive to modify Elliot in the manner suggested by the Examiner in order to arrive at the present invention. However, even if the teachings of Elliot and Musa could be properly combined, one would not arrive at the present claims.

Musa fails to supplement the deficiencies noted in Elliot. Musa discloses a proximity alert and direction indicator. The indicator includes a transmitter for removable attachment to the shoe of the monitored subject and a receiver-containing bracelet to be worn by the observer. The receiver contains a direction finder with graphic display that shows the observer the direction of the subject. Musa does not disclose "reporting the location of a wireless device to at least one other wireless device on the ad hoc network", as recited in the present claims. Unlike the present claims, Musa discloses showing the observer the general direction, not the location, of the monitored subject. Furthermore, like Elliot, Musa fails to disclose an ad hoc network as described previously. The method disclosed in Musa can only be carried out if both the proximity alert and the direction indicator are present at all times. Applicant respectfully submits, therefore, that Musa fails to supplement the above-noted deficiencies in Elliot. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection.

35 U.S.C. § 103 rejection to claims 1-8 and 11-24

In the Office Action, the Examiner has rejected claims 1-8 and claims 11-24 under 35 U.S.C. § 103(a) as being unpatentable over Elliot in view of Gaukel. Applicant respectfully submits that the Examiner's reliance on Elliot as a primary reference is misplaced for the reasons set forth below.

Claims 1-8 and 11-12

Claims 1-8 and claims 11-12 are directed to a system for locating a member of a group, wherein each member of the group comprises a wireless device equipped with location means. The present claims specify that the system comprises the wireless device and a server. The claims also specify that the server is adapted to receive location data from a first wireless device, establish a location rule for the first wireless device, determine whether the first wireless device

is in violation of the location rule established for the first wireless device, and in the event the first wireless device is in violation of the location rule established for the first wireless device, report the location of the first wireless device to the first wireless device. Elliot does not disclose the system defined by the present claims. As acknowledged by the Examiner, Elliot does not disclose a server that is “adapted to report the location of the first wireless device to the first wireless device in the event the first wireless device is in violation of the location rule established for the first wireless device”, as presently claimed. The Examiner suggests that by combining the teachings of Gaukel and Elliot one would arrive at the presently claimed invention. However, Elliot provides no teaching or incentive to modify Elliot in the manner suggested by the Examiner. In fact, Elliot teaches against such a modification. As discussed previously, Elliot discloses reporting location information to a parent via a website or call center services to avoid limiting access of location information to a particular device. Elliot thereby seeks to make location information relating to a wireless device available from anywhere “accessible by a computer with a Web browser” or any telephone (Elliot, col. 5, lines 1-15). If Elliot were modified to allow location information pertaining to one wireless device to be reported back to the same wireless device, as presently claimed, one would achieve exactly what Elliot seeks to avoid.

Applicant points out however, that even if Elliot and Gaukel could be properly combined, one would not arrive at the present invention. Gaukel discloses an apparatus which includes first and second remote units that are adapted to be worn on a monitored person. The remote units comprise position and data sensors as well as a transmitter device to transmit information back to a central tracking station. One of the remote units also comprises a central processor unit (CPU). Contrary to the Examiner’s assertion, it is the CPU located on the remote unit, and not the central tracking station, which determines whether there is a “violation of any rule of compliance”. Thus, it is the CPU in Gaukel, not the server, which reports the location of the monitored person. Furthermore, Gaukel discloses that once a violation of a rule of compliance is detected by the CPU, an “alarm signal is immediately transmitted to the central control tracking station”, not to a first wireless device as recited in the present claims (Gaukel, col 14, line 55). Gaukel does not disclose a server that is adapted to report the location of a first wireless device to the first wireless device in the event of a violation of the location rule, as presently claimed. Thus,

Gaukel fails to supplement the above-noted deficiencies in Elliot.

Claims 13-24

Applicant respectfully submits that Elliot does not disclose the system of present claims 13-24. Claims 13-24 are directed to a system for locating a member of a group relative to a perimeter boundary. The group, as presently claimed, comprises at least a first member and a second member each comprising a wireless device equipped with location means. The claims also specify a server which, in the event that the first member wireless device is within the proximity threshold of the perimeter boundary, is adapted to report the location of the first member wireless device to at least the second member wireless device. As acknowledged by the Examiner, Elliot does not disclose reporting the location of the first wireless device “in the event that the first wireless device is within the proximity threshold of the perimeter boundary”, as recited in the present claims. However, even if Elliot did disclose that the location of the wireless device is reported upon such a circumstance, Elliot does not disclose reporting the location to “at least the second member wireless device” as specified in the instant claims. As noted by the Examiner, Elliot’s system only reports such information to a parent or notifies the authorities. The Examiner suggests that by combining the teachings of Gaukel and Elliot one would arrive at the presently claimed invention. However, as discussed previously, Elliot seeks to avoid restricting location information to a particular device. If Elliot were modified to allow location information pertaining to one wireless device to be reported to another wireless device, as presently claimed, one would achieve exactly what Elliot seeks to avoid. Applicant submits, therefore, that there is no teaching or incentive to modify Elliot in the manner suggested by the Examiner in order to arrive at the present invention.

Applicant points out however, that even if Elliot and Gaukel could be properly combined, one would not arrive at the present invention. Gaukel discloses an apparatus which includes first and second remote units that are adapted to be worn on a monitored person. The remote units comprise position and data sensors as well as a transmitter device to transmit information back to a central tracking station. One of the remote units also comprises a central processor unit (CPU). Contrary to the Examiner’s assertion, Gaukel discloses that the CPU is located on the remote

unit, and that it is the CPU, not the central tracking station which determines whether there is a "violation of any rule of compliance". Furthermore, an "alarm signal is immediately transmitted to the central control tracking station" upon a violation of any rule of compliance, not to a first wireless device as recited in the present claims (Gaukel, col 14, line 55). Thus, Gaukel does not disclose a server that is adapted to report the location of a first wireless device to at least a second member wireless device in the event of a violation of the location rule, as disclosed in the present claims. Accordingly, Gaukel fails to supplement the above-noted deficiencies in Elliot.

35 U.S.C. § 103 rejection to claims 9-10

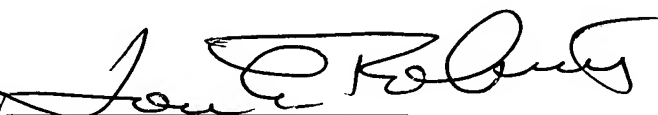
The Examiner states that claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of Gaukel and further in view of Musa. Claims 9-10 are dependent upon claim 1. Applicant traverses this rejection for the same reasons discussed previously with regard to claim 1. As such, Applicant requests the Examiner to withdraw this rejection.

In view of the above arguments, Applicant submits that claims 1-32 are novel and non-obvious over the cited prior art.

In view of the above information and remarks, Applicant respectfully requests reconsideration of the current rejections. Applicant submits that based on the foregoing, claims in their present form are allowable over the cited prior art. Applicant further requests that a timely Notice of Allowance be issued in this case.

Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, Applicant requests an interview with the examiner and the examiner's supervisor prior to any new office action relating to the present Application. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,

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